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Attorneys for Plaintiffs
THOMAS WEISEL PARTNERS LLC and
THOMAS WEISEL INTERNATIONAL
PRIVATE LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS WEISEL PARTNERS LLC, a Delaware limited liability company, and THOMAS WEISEL INTERNATIONAL PRIVATE LIMITED, an Indian company,

Plaintiffs,

V.

BNP PARIBAS, a French corporation, BNP PARIBAS SECURITIES (ASIA) LIMITED, a Hong Kong company, and PRAVEEN CHAKRAVARTY, an individual.

Defendants.

No. CV-07-06198 MHP

Action Filed: December 6, 2007

DECLARATION OF MARK A. SHEFT
IN SUPPORT OF PLAINTIFFS AND
BNP DEFENDANTS' STIPULATION
AND [PROPOSED] ORDER RE
SERVICE OF PROCESS, MOTIONS
AND RULE 26(f) CONFERENCE (Civil
L. R. 6-2)

1 I, MARK A. SHEFT, declare as follows:

2 1. I am a Director of the law firm of Howard Rice Nemerovski Canady Falk &
3 Rabkin, A Professional Corporation, counsel of record for Plaintiffs Thomas Weisel Partners
4 LLC and Thomas Weisel International Private Limited (collectively "Plaintiffs"). The facts
5 stated herein are based on my own personal knowledge, and if called as a witness, I could
6 and would testify as set forth below.

7 2. On December 6, 2007, Plaintiffs filed the Complaint in the above-captioned
8 action. On January 15, 2008, Plaintiffs filed a First Amended Complaint.

9 3. BNP Paribas and BNP Paribas Securities (Asia) Limited (collectively, "the BNP
10 Defendants") requested an extension of time to respond to the Complaint (and, later, the
11 First Amended Complaint). I understand that the BNP Defendants presently anticipate
12 arguing that the Court lacks *in personam* jurisdiction over them, and that a dismissal is
13 required under the *forum non conveniens* doctrine. I further understand that they intend to
14 file challenges to the sufficiency of the First Amended Complaint.

15 4. In the context of discussing an extension of the BNP Defendants' time to
16 respond, counsel agreed that the Court should hear and resolve the forum challenges (*in*
17 *personam jurisdiction* and *forum non conveniens*) before considering challenges to the
18 sufficiency of the First Amended Complaint. Counsel also agreed upon briefing and hearing
19 schedules for the anticipated motions, and to hold what Plaintiffs consider a Rule 26(f)
20 conference no later than March 14, 2008 (the BNP Defendants do not want to characterize
21 the conference as a Rule 26(f) conference).

22 5. The accompanying Stipulation memorializes these and certain other agreements.
23 The Stipulation does not require the Court to alter any existing deadlines in the case. In
24 particular, the parties are not seeking to continue the date set by the Court for the Initial Case
25 Management Conference, which will remain at 4:00 p.m. on March 31, 2008, with the
26 associated Joint Case Management Conference Statement due 10 days earlier.

27 6. We seek the Court's approval because the agreements in the Stipulation impact
28 the schedule in two respects. *First*, we propose to phase the presentation of the BNP

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1 Defendants' challenges to the First Amended Complaint, with the Court resolving the BNP
2 Defendants' forum-related challenges before the parties brief and argue challenges to the
3 sufficiency of the First Amended Complaint. *Second*, the Stipulation permits the parties to
4 hold what Plaintiffs are calling a Rule 26(f) conference up to four days after the deadline set
5 in Rule 26. Because the parties still will file their written report no later than March 24,
6 2008 (the deadline Rule 26 prescribes), this short extension will not impact the Court.

7 7. The parties have not previously modified any case deadlines, whether by
8 stipulation or court order.

9 I declare under penalty of perjury, under the laws of the United States, that the
10 foregoing is true and correct, and that this Declaration was executed on this 15th day of
11 February, 2008, at San Francisco, California.

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13 MARK A. SHEFT

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